

THE LAW OFFICES OF  
**NEAL BRICKMAN, P.C.**  
420 LEXINGTON AVENUE, SUITE 2811  
NEW YORK, NEW YORK 10170

NEAL BRICKMAN  
JUDITH L. GOLDSBOROUGH  
ETHAN Y. LEONARD  
VIRIGNIA A. REILLY  
JASON A. STEWART

**TELEPHONE:**  
**(212) 986-6840**

**TELECOPIER:**  
**(212) 986-7691**

June 5, 2023

Via ECF and Electronic Mail

Honorable Valerie Caproni, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007  
(212) 805-6350  
CaproniNYSDChambers@nysd.uscourts.gov

Re: *Eliav v. Roosevelt Island Operating Corporation, et al.*  
Case No: 22-cv-9978 (VEC)

Dear Judge Caproni:

I hope that all is well with you and yours. We represent the Claimant, Arthur Eliav, in connection with the above-referenced claim. We write today in conjunction with counsel for Defendants.

As an initial matter, we thank the Court for this opportunity and for its reconsideration. Over the last weeks and likely until at least June 20, 2023 when my sister will be coming to assist, we have been working through care issues for my parents who are both in their 90's. They currently require 24-hour care, and we are transitioning with a new agency for such care. During this period, my local siblings and I are providing significant coverage. I had initially consulted with opposing counsel about a shorter adjournment, but as he is scheduled to be out of the office for July 5 through July 16, 2023, the shorter period would have resulted in an unfair imposition on him. As such, we requested the July 14 and the August 2 dates.

Cognizant of the Court's concerns, if the explanation above is deemed wanting, it is respectfully request that Plaintiff have until June 30, 2023 for his response to Defendants' Motion to Submit and his reply in connection with the pending motion to dismiss Defendants' counter-claim be, and that Defendants' time to submit their reply on their motion to dismiss still be extended from June 21, 2023 to August 2, 2023 as counsel should not be harmed by my request in this regard.

This is the Parties' second – albeit amended -- request in connection with these motions. The initial consent request was so ordered.

As always, if you have any questions about these, or any other, matters, please do not hesitate to contact this office at any time.

Thank you again for your time, attention, and courtesies in this regard.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ethan Leonard", written in a cursive style.

Ethan Leonard  
[ethan@brickmanlaw.com](mailto:ethan@brickmanlaw.com)

/s/ Howard M. Miller

Howard M. Miller  
[millerh@bsk.com](mailto:millerh@bsk.com)